

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

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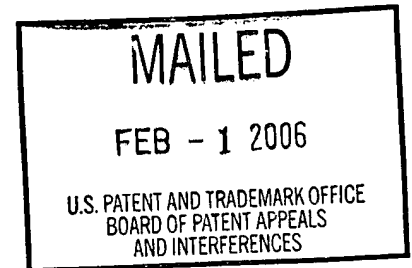
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TIMOTHY W. CONNER and
JAMES D. MASUCCI

Appeal No. 2003-1073
Application 09/540,234

ORDER DISMISSING APPEAL



Before FLEMING, Chief Administrative Patent Judge,
HARKCOM, Vice Chief Administrative Patent Judge,
ADAMS, Administrative Patent Judge.

Per curiam.

On June 3, 2002, appellants filed a Notice of Appeal. On December 23, 2005, appellants filed a communication requesting that this application be expressly abandoned in favor of a continuing application filed December 22, 2005.

Accordingly, it is

ORDERED that the appeal filed June 3, 2002, is dismissed.

Appeal No. 2003-1073
Application 09/540,234

The application is being returned to the examiner for further action as may be appropriate.


Michael R. Fleming, Chief
Administrative Patent Judge


Gary V. Harkcom, Vice Chief
Administrative Patent Judge


Donald E. Adams
Administrative Patent Judge

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) BOARD OF PATENT
) APPEALS AND
) INTERFERENCES
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